



RUBBER
manufacturers
association

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March 31, 2003

Ms. Rebecca Kane
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Mail Code 2222A
1200 Pennsylvania Avenue NW
Washington, DC, 20460

Re: Notice of Availability of Enforcement and Compliance History Online Website
("ECHO" database) for 60-Day Comment Period (67 Fed. Reg. 70079, November 20,
2002)

Dear Ms. Kane:

On behalf of the members of the Rubber Manufacturers Association, I am pleased to provide comments on the above-referenced notice. The RMA is the national trade association for the rubber products industry and represents a \$80 billion domestic manufacturing sector.¹ The RMA represents the rubber industry in a variety of fora, including regulatory proceedings, legislative issues, and technical and standards development. Since RMA member companies operate facilities whose data are included in the ECHO database, RMA and its members have a direct interest in the development, modification and use of the database.

RMA commends EPA in its efforts to provide environmental compliance and enforcement information to the public. RMA recognizes that this type of information is important to the public, and due precisely to the weight placed on such data, it is paramount that the data are accurate, complete, meaningful, and not misleading. To that end, RMA and its members have a number of concerns about the ECHO database. In particular, RMA is concerned about the quality of data included in the database, the lack of proper context given to the data, and the inadequate procedures for correcting data errors.

¹ RMA members manufacture tires, belts, hoses, seals, gaskets, and molded rubber products for industrial, automotive and consumer applications. RMA's membership includes all of the country's major tire manufacturers: Bridgestone/Firestone Americas Holding, L.L.C., Continental Tire N.A., Inc., Cooper Tire & Rubber Company, The Goodyear Tire & Rubber Company, Michelin North America, Inc., Pirelli Tire North America, and Yokohama Tire Corporation. RMA members also include nearly 100 manufacturers and suppliers to the engineered rubber products industry.

I. ECHO Data Should be Complete, Accurate and Meaningful

It is crucial that the ECHO database include accurate information about industrial facilities. RMA member company experience has shown that the database includes inaccurate, sometimes woefully outdated, information about industrial facilities. For example, some facilities are listed with incorrect or outdated corporate owners (some information was found to be outdated by over 15 years). Other facilities were shown to have outdated and/or inaccurate information about enforcement activities. In another case, a compliance situation was inappropriately classified as an enforcement action, when the situation actually involved the filing and implementation of a consent decree and full cooperation and agreement between the regulated entity and the state regulatory agency. In still other cases, facilities with ongoing RCRA investigation or clean up activities seem to be shown in the database as "out of compliance," when in fact the RCRA activities are in accordance with RCRA. These situations highlight data quality problems seen in the ECHO database by RMA members, but do not constitute a complete list. Instead, they are illustrative of the types of errors seen by RMA members.

While RMA understands that the information contained in the ECHO database reflects information collected through other sources, such as state and tribal environmental agencies, EPA has a duty under the Information Quality Act to assure the accuracy of the data contained in the database. EPA should work with the states to develop better quality assurance procedures for screening and reviewing data for accuracy and completeness *prior* to their inclusion in the ECHO database.

II. Data Must be Placed in Proper Context

The data provided to the public should be placed in proper context in order to avoid misleading inferences and inappropriate conclusions about the information included in the ECHO database. The information provided should be sufficient for the public to determine the environmental significance of any violation listed in the database. This detail should include information about the type and nature of the violation and the type, if any, of environmental releases associated with the violation. Without this information, the public may conclude that all violations are similar in scope and severity, which would lead to inappropriate conclusions about facilities' environmental compliance records.

In addition, the database does attempt to provide some context for the environmental compliance information provided about facilities by including demographic information about the area surrounding individual facilities. EPA does not provide any information about the assumed significance or relevance of this information. For example, no explanation is provided as to why the area surrounding a facility is defined by 1, 3 and 5 miles. Indeed, we would expect that few violations would have an environmental impact at distances of 1, 3, or 5 miles from a facility. In fact, EPA states that "no relationship between this information, and other data included in this report is implied." This statement begs the viewer to question why the data are provided as part of the ECHO database, if not to imply a relationship between it and other data. This information is publicly available through the U.S. Census, yet including it in this context unfortunately

could lead to inappropriate conclusions about its significance and relationship to other information contained in the ECHO database.

RMA members are concerned that this demographic information, coupled with incomplete and/or inaccurate compliance and enforcement information about facilities provided without proper context, could lead to inappropriate, inaccurate and misleading assumptions about environmental risk. These assumptions would not assist the public, but instead could cause unwarranted concerns. Without accurate, complete and meaningful data, the public will be misled, rather than informed.

III. Data Correction Process Must be Improved

RMA is concerned that the process set out to report errors in the ECHO database is inadequate to respond to the volume and nature of errors that exist in the database. Some RMA members have reported errors using the online system and have found the response to be cumbersome, inadequate and not timely. Significant staff resources within RMA member companies have been required to report errors and follow up with EPA and state agency staff. Other RMA members now are only in the initial stages of reporting errors and do not have feedback yet on the experience, either positive or negative.

RMA recommends that the data correction process involve two tracks: one for correcting information already contained in the database and the other for prospective data to be included in the database.

In the case of data already contained in ECHO, the focus should be on improving data quality and completeness in order to provide the public with the correct information in a timely manner. To that end, RMA recommends that EPA develop a field within the database to reflect information about an error has been reported for a specific facility, including the nature and status of the reported error. This information will help to provide the public with accurate and timely information about relevant facilities. In addition, EPA should set a timeline for response and resolution of a data error report. This would allow the reporting facility to track the error report and develop clear expectations about the process and provide EPA with a clear structure for systematically addressing reported errors.

Alternatively, EPA may wish to take the entire database off-line for a period of time to enable correction of the majority of errors facilities have identified in the database ("data correction period"). If EPA chooses this path, RMA recommends that EPA publicly notice the start and duration of the data correction period to include the date on which the database will be taken off-line and a deadline for submitting error reports. This will maximize the effectiveness of the data correction period by encouraging facilities to submit all error reports by a certain date, which will allow EPA to review and address the greatest number of errors.

In the case of prospective data to be included in the database, a review structure should be developed and implemented that would allow facilities to review proposed data for

inclusion in ECHO *before* it is added to the online database. This process could be patterned after the review process already in place for Toxics Release Inventory (TRI) data. Such a review process would eliminate or greatly reduce error-reporting issues once the data are added to the ECHO database. In addition, such a review system would enhance ECHO data quality assurance programs and streamline EPA and facility activities with regard to the quality of data included on ECHO. More importantly, a review system would allow EPA to provide more accurate and complete information to the public.

IV. Conclusion

RMA appreciates the opportunity to provide comments on this important EPA initiative. We welcome any comments or questions about the comments provided in this letter. If RMA can be helpful to EPA as revisions and modifications are considered and implemented, please contact me at 202-682-4839 or tnorberg@rma.org.

Sincerely,

A handwritten signature in black ink, reading "Tracey J. Norberg." The signature is written in a cursive, flowing style.

Tracey J. Norberg
Vice President
Environment & Resource Recovery